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TO: LICENSEE/REGISTRANT Assigned Number _____

FROM: Aubrey V. Godwin, Director

SUBJECT: NOTICE OF AUDIT

THIS NOTICE LISTS SOME OF THE RIGHTS YOU HAVE RELATED TO BEING AUDITED. PLEASE READ THIS NOTICE CAREFULLY. IF YOU HAVE QUESTIONS, PLEASE ASK THE AUDITOR OR THE AGENCY DIRECTOR, WHOSE TELEPHONE NUMBER IS LISTED IN THE LETTERHEAD.

Representatives of this Agency are auditing your facility today. Each representative has a photo identification badge issued by the Arizona Department of Administration. Arizona Revised Statutes § 30-681 authorizes this examination or inspection. The purpose for this audit is to determine whether your activities meet the applicable rules of the Agency, Title 12, Chapters 1 and 2, of the Arizona Administrative Code. These rules were authorized by Arizona Revised Statutes (A.R.S.) §§ 30-651, 30-654(A)(2),(B)(2), (B)(5), (6), (7), (8), (9), (12), (13), 30-657, 30-672, and 32-2843(C) for Chapter 1; A.R.S. § 30-652, 30-654(B), 32-2803, 32-2815 32-2819 (B) for Chapter 2. The fees associated with this audit are paid through the application and annual fees charged by the Agency. **NO additional fees** will be charged for conducting this audit unless the audit was specifically requested by the licensee/registrant pursuant to R12-1-1308.

1. Large and Small Business Regulatory Bill of Rights:

- a. Accompany the auditor while making the examination, unless conducting a confidential interview. Note: The workers have a right to have a representative accompany the auditor, point out possible violations and request confidential interviews in accordance with R12-1-1006 & Exhibit A (Form ARRA-6).
- b. Receive copies of any registrant/licensee documents removed from the premises. In addition, copies of documents used to determine compliance such as test data sheets or other forms.
- c. Receive a split or duplicate of any sample collected by the auditor, if it is possible to do so without destroying the sample for analysis purposes.
- d. Receive a report of any analysis performed on samples taken during the examination.
- e. You will be informed if your statements are tape-recorded. In any case, some of your comments or those of the workers may be included in the examination report or notes.

Should you have any questions related to this examination; you should telephone Aubrey V. Godwin, 602-255-4845, ext. 222 or write him at the letterhead address. A.R.S. § 41-1009.

2. Regulatory Process:

- a. Except for emergency conditions, due process is as follows:
 - I. Within 30 working days of completing this examination, the Agency will mail you either a compliance letter audit report stating that no potential violations were identified or a Preliminary Findings letter which will detail the potential violations identified during the examination. By responding to this letter within the time frame specified in the letter, you may be able to provide the Agency sufficient information to determine that potential violation(s) are, in fact, not violation(s); or the corrective actions proposed by you are sufficient to waive the proposed civil penalties, if the violations were not repeated or of a severe nature.

- II. If the response to the Preliminary Findings letter substantiates that one or more of the violations occurred, the violation(s) is not severe and there were **no repeat** violations, a **NOTICE OF VIOLATION** letter, which states “No Response Required” will be issued. The letter will list the violations that the Agency Director determined to be violations. You may request a hearing by the Radiation Regulatory Hearing Board. A.R.S. § 30-687(D).
 - III. If the response to the Preliminary Finding letter substantiates that one or more of the violations occurred and the violation(s) were repeated or severe, a **NOTICE OF VIOLATION** letter which may include a civil penalty order or an order to show cause will be issued. Within the time frame specified in the letter or order, you must respond indicating the corrective actions you have undertaken to prevent future violations or request a hearing by the Radiation Regulatory Hearing Board. You may also request an informal hearing with the Agency Director without losing your right to a Board hearing A.R.S. § 30-687. Pursuant to A.R.S. § 41-1001 you have the right to request a hearing pursuant to Title 23, Chapter 2 or 4 by an independent Administrative Law Judge.
 - IV. Contact the Agency Director for information relating to a possible appeal of a violation determination as indicated in the letterhead.
- b. For **emergency** conditions;
- I. You will receive an INITIAL ORDER directing certain actions, which must be obeyed. The order will specify that you are to respond within ten days either agreeing to continue to obey the order or requesting a hearing by the Radiation Regulatory Hearing Board. You may also receive other correspondence with the order from the Agency.
 - II. If you request a hearing, it will be granted within ten days unless you waive this right. A.R.S. § 30-688

You will be informed of the date the examination is complete, if it is not completed on this date.

Citizens have a right to file a complaint about an administrative act of a state agency with the Office of the Ombudsman-Citizen’s Aide at 3737 N 7th St, Suite 209, Phoenix, AZ 85014. You may also wish to contact their office by e-mail ombuds@azoca.gov or phone them at 602-277-7292 (or 1-800-873-2879 outside Phoenix metro area).

In all cases, after the Radiation Regulatory Hearing Board has issued its final determination, either you or the Agency may appeal to state courts as provided in Title 12, Chapter 7, Article 6, and A.R.S.

As required by A. R. S. § 41-1009, we request that you sign here to indicate that you received a copy of this document. This signed document will be filed with the examination report.

Date: _____

The LICENSEE / REGISTRANT representative refused to sign this document. I certify that a copy of this document was provided to the LICENSEE / REGISTRANT representative who either refused to accept it or would not sign for receipt of it. This notice will be filed with the examination notes.

Date: _____